S.B.Cr.Misc. II Bail App. No. 5186/2007

(Loona Ram Vs. State of Rajasthan)

Date of order : 28/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application. While dismissing the earlier bail application by order dated 20.9.2007 as it was not pressed at that stage, a liberty was granted to the petitioner to move a fresh bail application after the statement of two injured eye witnesses Govind Ram and Banaram is recorded by the trial court. Learned counsel for the petitioner submits that the statements of injured eye witnesses Govind and Bannaram have been recorded by the trial court as PW-2 and PW-3 respectively.

Heard learned counsel for the petitioner and public prosecutor for the State. I have carefully gone through the statements of injured witnesses Govind and Bannaram.

It is contended by learned counsel for the petitioner that both the injured witnesses did not assign any injury to the deceased by the petitioner. According to learned counsel for the petitioner, the petitioner has not caused any injury to the deceased. The allegation of causing injury by sword to deceased is against Bhajanlal and by iron

pipe against Bishnaram. So far as the present petitioner is concerned, he inflicted injury to injured Govindram who alleged to have suffered single injury. Petitioner Loonaram himself suffered injuries in the cross case and he suffered injury on the skull i.e. lacerated wound 7cmx1cmxbone deep right fronto parietal region of the head and other accused Manaram has suffered two head injuries at the hands of the complainant party i.e. lacerated wound on the left parietal scalp and lacerated wound on the forehead. Thus, according to learned counsel for the petitioner the injuries suffered by the accused persons are more in number than the one suffered by injured Govind Ram. So far as other accused person Bhajan Lal is concerned, he also suffered four injuries including the injury on the forehead, chest etc.

Having regard to the facts and circumstances of the case and the fact that there is no allegation of causing any injury to the deceased by the present petitioner and the petitioner himself suffered head injury at the hands of the complainant party, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Loona Ram S/o Moda Ram be released on bail in FIR No. 408/2006 P.S. Raisinghnagar, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of

learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP